



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Carl M. Panasik

Serial No.: **09/887,778**

Filed: **06/22/2001**

For: **CELLULAR HANDSET TRANSCEIVER SYSTEM FOR MINIMAL POWER CONSUMPTION**

Docket No.: **TI-32891**

Examiner: **Perez, Angelica**

Art Unit: **2684**

Confirm. No.: **8711**

REQUEST TO WAIVE/REFUND EXTENSION OF TIME FEE

Commissioner for Patents
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 CFR § 1.8(a)

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on March 24, 2005.


ELIZABETH AUSTIN

Dear Sir:

On March 23, 2005, Applicants received an Office communication on the subject application having a mailing date of October 20, 2004. The Office communication contained a Notice of Non-Compliant Amendment indicating that the amendment document filed by Applicants on July 19, 2004 was non-compliant since it did not contain a complete listing of all the claims (claims 24-27 were missing in the list of claims). The communication set a one month time limit for a response.

By Applicants' calculations, a 5-month extension of time is required for proper submission of the Substitute Reply/Response. While Applicants authorize payment of the 5-month extension of time (\$2,160) in this response to the Office communication, Applicants respectfully request that the extension of time fee be waived due to the delay in Applicants receipt of the Office communication of October 20, 2004. If the USPTO will not hold the Extension of Time payment in abeyance until it decides this Request, Applicants respectfully request a refund of the 5-month extension of time (\$2,160).

Applicants submit the following documents in support of the above request:

- 1) EXHIBIT A – Declaration of Ben Kroger that the Office communication of October 20, 2004 was not received by Applicants until March 23, 2005;
- 2) EXHIBIT B – Declaration of Ronald Neerings that the Office communication of October 20, 2004, was not received by Applicants until March 23, 2005;
- 3) EXHIBIT C – A copy of the computer screen illustration of the TI legal database docket file for TI-32891 (09/887,778) is attached hereto (one page). The docket file clearly shows that no Office communication, or any other action for that matter, having a mail date of October 20, 2004 (or any date close thereto), was entered into the TI database prior to March 23, 2005.

In light of the above, Applicants respectfully request that the 5-month Extension of Time fee required for response to the Office communication of October 20, 2004 be waived. If the USPTO will not hold payment of the Extension of Time fee in abeyance until a decision is rendered on this request, Applicants request a refund of the 5-month Extension of Time fee.

Respectfully submitted,



Ronald O. Neerings
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